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| EXAMINER |
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2174

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/709,791
Filing Date: May 28, 2004
Appellant(s): SESHADRI, SREEKUMAR K.

Seshadri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/10/09 appealing from the Office action mailed 12/10/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-------------|------------------|---------|
| 20020149629 | Craycroft et al. | 10-2002 |
| 20020101444 | Novak et al. | 8-2002 |
| 5596702 | Stucka | 1-1997 |

(9) Grounds of Rejection

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The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-10, 12-22, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craycroft et al. (US Patent Application Publication No. 2002/0149629) in view of Novak et al. (US Patent Application Publication No. 2002/0101444) and Stucks et al (US Patent No. 5,596,702).

Regarding independent claim 1, Craycroft teaches a method of enabling a user to have a custom desired experience while accessing electronic files using an application, each electronic file storing corresponding data, each electronic file storing corresponding data, said method comprising:

providing said user the ability to specify a first experience profile associated with a first electronic file, (i.e. “Views” in FIG. 2C et seq. of Craycroft; also compare “Look and Feel” of desktop in FIGS. 2D and 2E et seq. of Craycroft), said first experience profile being provided external to said first electronic file (i.e. “Views” in FIG. 2C control files such as “untitled 2” in FIGS. 2A and 2B et seq. of Craycroft), said first experience profile containing a first set of values for a first set of experience attributes; controlling said first set of experience attributes according to said first set of values while providing access to the data stored in said first electronic file using said application storing a first entry indicating that said first user first

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experience profile is associated with said first electronic file, first electronic file, first entry is store and load from memory (i.e. Font, Icon and List views in FIG. 2C et seq. of Craycroft).

Craycroft does not teach a second experience profile containing a second set of values for a second set of experience attributes associated with and for controlling a second electronic file.

Novak teaches a second experience profile containing a second set of values for a second set of experience attributes associated with a second electronic file (i.e. compare Figs. 18-22 et seq. of Novak). It would have been obvious to an artisan at the time of the invention to integrate the flexibility of different skins with different files of Novak into the custom experience of Craycroft. Said artisan would have been motivated to combine Novak into Craycroft to create a different look for various applications and user interfaces (i.e. see [0003] et seq. of Novak).

Stucks teaches a second set of values for controlling a second electronic file and second entry indicating that said second experience profile is associated with said second electronic file, second entry is store and load from memory (col. 10, lines 1-45).

It would have been obvious to an artisan at the time of the invention to integrate the control of a second file of Stucks into the custom experience of Craycroft as modified by Novak. Said artisan would have been motivated to combine Stucks into the modified Craycroft to give a greater degree of control over the interface through file and application interaction.

Regarding dependent claim 2, see the analysis of claim 1 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 1, further comprising: providing said user the ability to specify said first experience profile associated with a third electronic file; and controlling said first set of experience attributes according to said first set of

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values while providing access to said third electronic file (i.e. compare Figs. 18-22 et seq. of Novak, also compare change in theme in FIGS. 2C-2E et seq. of Craycroft).

Regarding dependent claim 3, see the analysis of claim 2 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 2, further comprising setting said first set of experience attribute to respective ones of said first set of values as specified in said first experience profile to change the experience while accessing the respective data stored in each of said first electronic file and said third electronic file, but not while accessing the data stored in said second electronic file said second electronic file (i.e. compare Figs. 18-22 et seq. of Novak, also compare change in theme in FIGS. 2C-2E et seq. of Craycroft).

Regarding dependent claim 4, see the analysis of claim 3 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 3, wherein said first set of values is not the same as said second set of values and wherein said first set of experience attributes is not the same as said second set of experience attributes (i.e. compare Figs. 18-22 et seq. of Novak, also compare change in theme in FIGS. 2C-2E et seq. of Craycroft).

Regarding dependent claim 6, see the analysis of claim 1 above. Craycroft in combination with Novak and Stucks teaches the method of claim 1, wherein said first of experience attributes comprises a shape of a cursor (i.e. [0034] et seq. of Craycroft: “control the appearance of ... cursors”).

Regarding dependent claim 7, see the analysis of claim 1 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 1, wherein said first electronic file comprises a document which can be edited using said application and wherein said first set of experience attributes indicates a music file to be played, said controlling said first set of

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experience attributes comprising playing music represented by said music file using another application while enabling editing of said document using said application where said document is opened from editing and also said music file is play in response to receiving said first open request (i.e. compare song list in Fig. 14 with Figs. 18-21 and steps 1202-1204 in Fig. 12 et seq. of Novak).

Regarding dependent claim 8, see the analysis of claim 1 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 1, wherein said application is executed on a system supported by an operating system, wherein said application and said operating system respectively support an application default and an operating system default, wherein said first set of values override said application default and said operating system default if in conflict (i.e. “Apple Default” in FIG. 11 et seq. of Craycroft).

Wherein said operating system default, said application default said first experience profile respectively specifies a first value, a second value and third value for a first attribute. (see Stucks, col. 10, lines 1-45)

Wherein said first attribute is contained in said first set of attributes and said third vlaue is contained in said first set of values, (see Stucks, col. 10, lines 1-45)

Wherein said controlling controls said first attribute according to said third value while providing access to the data stored in said first electronic file using said application. (see Stucks, col. 10, lines 1-45)

Wherein said operating system default and said application default respectively specifies a fourth value and a fifth value for a second attribute, and said first experience profile does not specify a value for said second attribute, (see Stucks, col. 10, lines 1-45)

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Wherein said second attribute is contained in said first set of attributes. (see Stucks, col. 10, lines 1-45)

Wherein said controlling controls said second attribute according to said fifth value while providing access to the data stored in said first electronic file using said application, (see Stucks, col. 10, lines 1-45)

Wherein said operating system default specifies a sixth value for a third attribute, and neither of said first experience profile nor said application default specify corresponding value for said third attribute, (see Stucks, col. 10, lines 1-45)

Wherein said third attribute is contained in said first set of attributes, (see Stucks, col. 10, lines 1-45)

Wherein said operating system default, said application default, said first experience profile and said first electronic file respectively specifies a seventh value, a eight value, a ninth value, and a tenth value for a fourth attribute. (see Stucks, col. 10, lines 1-45)

Wherein said controlling controls said third attribute according to said sixth value while providing access to the data stored in said first electronic file using said application, whereby values provided in said operating system default, said application default and said first experience profile are over ridden in that order. (see Stucks, col. 10, lines 1-45)

Regarding dependent claim 9, see the analysis of claim 5 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 5, wherein said providing comprises: displaying on a display unit a plurality of experience profiles available for association

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with electronic files, wherein said plurality of experience profiles comprising said first experience profile and said second experience profile; and receiving a selection from said user based on the display on said display unit, wherein said selection indicates that said first experience profile is to be associated with said first electronic file (i.e. compare Figs. 18-21 and steps 1202-1204 in Fig. 12 et seq. of Novak).

Wherein controlling provides access to the data stored in said first electronic file according to said first experience profile in response to receiving said selection. (see Stucks, col. 10, lines 1-45)

Regarding independent claim 10, Craycroft teaches a method of enabling a user to have a custom desired experience while accessing a first electronic file using a first application, said method comprising: enabling said user to specify an experience attribute associated with said first application and a value for said experience attribute (i.e. "Views" in FIG. 2C et seq. of Craycroft). Craycroft does not teach a second experience profile containing a second set of values for a second set of experience attributes associated with and for controlling a second electronic file.

Novak teaches a second experience profile containing a second set of values for a second set of experience attributes associated with a second electronic file opening said first electronic file using a word process application enable said user edit a substantial portion of playing said song alaos in responseto receiving said input, wherein said song is played also in response to said specifying said experience attribute associated with said electronic file(i.e. compare Figs. 18-22 et seq. of Novak). It would have been obvious to an artisan at the time of the invention to integrate the flexibility of different skins with different files of Novak into the custom experience

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of Craycroft. Said artisan would have been motivated to combine Novak into Craycroft to create a different look for various applications and user interfaces (i.e. see [0003] et seq. of Novak).

Stucks teaches a second set of values for controlling a second electronic file; receiving an input to open said first electronic files; providing access to the data stored in said first electronic file using said first application in response to receiving said input (see Stucks, col. 10, lines 1-45). It would have been obvious to an artisan at the time of the invention to integrate the control of a second file of Buxton into the custom experience of Stucks as modified by Novak. Said artisan would have been motivated to combine Stucks into the modified Craycroft to give a greater degree of control over the interface through file and application interaction.

Regarding dependent claim 11, see the analysis of claim 10 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 10, said first application comprises a word processing application and said first electronic file comprises an editable file, whereby said second application plays said song while said user edits said editable file using said first application. (i.e. “application” in FIG. 4 seq. of Stucks), and wherein said second application is designed to play a song from a file, and said value comprises an identifier of said file (i.e. songs in Fig. 14 et seq. of Novak).

Regarding dependent claim 12, see the analysis of claim 11 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 11, wherein said user can specify a second experience attribute associated with first electronic file, wherein said second experience attribute controls a volume of said song (i.e. compare song list and volume control in Fig. 14 with Figs. 18-21 and steps 1202-1204 in Fig. 12 et seq. of Novak).

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Regarding dependent claim 13, see the analysis of claim 12 above. Craycroft, in combination with Novak and Stucks teaches the method of claim 12, wherein said first experience attribute and said second experience attribute are specified in an experience profile associated with said first electronic file (i.e. compare Figs. 18-22 et seq. of Novak).

Regarding independent claim 14, Craycroft teaches a computer readable medium carrying one or more sequences of instructions causing a digital processing system to enable a user to have a custom desired experience while accessing electronic files using an application, wherein execution of said one or more sequences of instructions by one or more processors contained in said digital processing system causes said one or more processors to perform the actions of: providing said user the ability to specify a first experience profile associated with a first electronic file controlling said first set of experience attributes according to said first set of values while providing access to the data stored in said first electronic file using said application storing a first entry indicating that said first user first experience profile is associated with said first electronic file, first electronic file, first entry is store and load from memory (i.e. “Views” in FIG. 2C et seq. of Craycroft), said first experience profile being provided external to said first electronic file (i.e. “Views” in FIG. 2C control files such as “untitled 2” in FIGS. 2A and 2B et seq. of Craycroft), said first experience profile containing a first set of values for a first set of experience attributes; controlling said first set of experience attributes according to said first set of values while providing access to said first electronic file using said application (i.e. Font, Icon and List views in FIG. 2C et seq. of Craycroft). Craycroft does not teach a second experience profile containing a second set of values for a second set of experience attributes associated with and for controlling a second electronic file.

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Novak teaches a second experience profile containing a second set of values for a second set of experience attributes associated with and controlling a second electronic file (i.e. “related files for a skin” in step 1200 of Fig. 12 et seq. of Novak). It would have been obvious to an artisan at the time of the invention to integrate the flexibility of different skins with different files of Novak into the custom experience of Craycroft. Said artisan would have been motivated to combine Novak into Craycroft to create a different look for various applications and user interfaces (i.e. see [0003] et seq. of Novak).

Stucks teaches a second set of values for controlling a second electronic file storing corresponding data and second entry indicating that said second experience profile is associated with said second electronic file, second entry is store and load from memory (see Stucks, col. 10, lines 1-45)

It would have been obvious to an artisan at the time of the invention to integrate the control of a second file of Stucks into the custom experience of Craycroft as modified by Novak. Said artisan would have been motivated to combine Stucks into the modified Craycroft to give a greater degree of control over the interface through file and application interaction.

Claim 15 is similar in scope to claim 2, differing primarily in that claim 15 is directed towards a computer readable medium and claim 2 is directed toward a method, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 3, differing primarily in that claim 16 is directed towards a computer readable medium and claim 3 is directed toward a method, and is therefore rejected under similar rationale.

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Claim 17 is similar in scope to claim 4, differing primarily in that claim 17 is directed towards a computer readable medium and claim 4 is directed toward a method, and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 5, differing primarily in that claim 18 is directed towards a computer readable medium and claim 5 is directed toward a method, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 6, differing primarily in that claim 19 is directed towards a computer readable medium and claim 6 is directed toward a method, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 7, differing primarily in that claim 20 is directed towards a computer readable medium and claim 7 is directed toward a method, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 8, differing primarily in that claim 21 is directed towards a computer readable medium and claim 8 is directed toward a method, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 9, differing primarily in that claim 22 is directed towards a computer readable medium and claim 9 is directed toward a method, and is therefore rejected under similar rationale.

As per claim 27, Craycroft, Novak, and Stucks teach the method of claim 5. Craycroft teaches storing stores said association information in a non-volatile memory. (see Craycroft, paragraph; 0012)

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As per claims 29 and 30, they rejected under the same rationale as claims 8 and 28.

Supra.

(10) Response to Argument

Appellant's arguments focused on the following:

Claim 1

A) Whether the combination of Craycroft, Novak, and Stucka teaches "the ability to specify different experience profiles in relation to different electronic files in the same digital processing system?" (Limitation F1 in applicant's argument)

A) The combination teaches this limitation because Stucka allows the user to associate different interface files with different application files. (see Stucka figures. 4 and figure 5, col. 10, lines 1-45) In Stucka, the user may load and associate interface 1 with application A; (see Stucka fig. 7a, col. 23, lines 60-col. 24, lines 70) and load and associate interface 2 with application B. (see Stucka col. 27, lines 55-col. 28, lines 5) Therefore the combination of Craycroft, Novak, and Stucka teaches "the ability to specify different experience profiles in relation to different electronic files in the same digital processing system." (Limitation F1 in applicant's argument)

B) Whether the combination of Craycroft, Novak, and Stucka teaches "entries indicating the association of different electronic files with corresponding experience profiles be stored in a memory?" (Limitation F2 in applicant's argument)

B) The combination teaches this limitation because Stucka stores application programs and their associated interface component in its RAM (random access memory). (see Stucka fig. 2, lines 45-62) Furthermore, each application is associated with its own unique interface (see

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Stucka, col. 7, lines 54-col. 8, lines 3) Therefore, Craycroft, Novak, and Stucka teaches “entries indicating the association of different electronic files with corresponding experience profiles be stored in a memory.” (Limitation F2 in applicant's argument)

C) Whether the combination of Craycroft, Novak, and Stucka teaches “requests to open the two electronic files be received after the entries are stored in the memory?” (Limitation F3 in applicant's argument)

C) The combination teaches this limitation because Stucka allows the user to associate different application interface files with different application files at the same time. (see Stucka figures. 4 and figure 5, col. 10, lines 1-45) In Stucka, the user may load and associate interface 1 with application A; (see Stucka fig. 7a, col. 23, lines 60-col. 24, lines 70) and load and associate interface 2 with application B. (see Stucka col. 27, lines 55-col. 28, lines 5) Furthermore, Stucka stores different application programs and their associated interface components in its RAM at the same time. (random access memory) Therefore the combination of Craycroft, Novak, and Stucka teaches “requests to open the two electronic files be received after the entries are stored in the memory.” (Limitation F3 in applicant's argument)

D) Whether the combination of Craycroft, Novak, and Stucka teaches “the files to be opened in response to the open requests and the experience for the respective files be controlled according to the entries stored in the memory?” (Limitation F4 in applicant’s argument)

D) The combination teaches limitation because Novak teaches linking respective interface files with associated application file upon the opening of the application. (see Novak

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paragraphs 0021 and 0022) The application file, media player, in Novak is associated with a specific interface file, skin, where upon execution of the file the interface component are load into the media player file. (see Novak paragraphs 0023, fig. 12) Therefore the combination of Craycroft, Novak, and Stucka teaches "the files to be opened in response to the open requests and the experience for the respective files be controlled according to the entries stored in the memory." (Limitation F4 in applicant's argument)

E) Whether the combination of Craycroft, Novak, and Stucka teaches "access to content of both the files to provided using the same application?" (Limitation F5 in applicant's argument)

E) The combination teaches this limitation because Stucka allows the user to associate different interface files with different application files and these application files are executable by the same program. (see Stucka figures. 4 and figure 5, col. 10, lines 1-45) In Stucka, the user may load and associate interface 1 with application A; (see Stucka fig. 7a, col. 23, lines 60-col. 24, lines 70) and load and associate interface 2 with application B. (see Stucka col. 27, lines 55-col. 28, lines 5) Furthermore, applicant files A and B are executable by the same program, the window management system. (see Stucka, fig. 7, lines 60- col. 8, lines 10) Therefore the combination of Craycroft, Novak, and Stucka teaches "requests to open the two electronic files be received after the entries are stored in the memory." (Limitation F3 in applicant's argument)

F) Whether it would be obvious to combine Craycroft, Novak, and Stucka?

F) "Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," *Id.* at 1739, and discussed circumstances in which a patent might be determined to be obvious. *KSR*, 127 S. Ct. at 1739 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966)). The Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 1740.

The Federal Circuit recently recognized that "[a]n obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (citing *KSR*, 127 S. Ct. 1727, 1739 (2007)). The Federal Circuit relied in part on the fact that Leapfrog had presented no evidence that the inclusion of a reader in the combined device was "uniquely challenging or difficult for one of ordinary skill in the art" or "represented an unobvious step over the prior art." *Id.* (citing *KSR*, 127 S. Ct. at 1740-41).

In the present case, the combination of Craycroft and Novak is obvious to one of ordinary skill in the art because it allows users to customize the interfaces based on their preference.

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And the combination of Craycroft and Stucks is obvious to one of ordinary skilled in the art because allows multiple applications to be customized as the same time.

Claim 10

A) Whether the combination of Craycroft, Novak, and Stucka teaches “a single open action is required to cause the opening of the file for editing as well as playing the song.”

A) The combination teaches this limitation because Novak allow user to editing audio format of the song upon users opening up the file. (see Novak, paragraph 0160-0161) The users in Novak may manipulate the song being played using different buttons and scroll bar after the file is opened. (see Novak, paragraph 0160-0161) Therefore, Novak teaches “a single open action is required to cause the opening of the file for editing as well as playing the song.”

Claim 29

A) Whether the combination of Craycroft, Novak and Stucka teaches a default value and a customized value?

A) The combination teaches limitation, because Craycroft use both a default value and a customized value in its system. (see Craycroft, fig 11 “Apple default” , paragraphs 0271-0273) In Craycroft, users may chose default setting for interface components and theme or they may chose to customize their own themes. (see Craycroft, fig. 11“Apple default”, paragraphs 0271-0273) Therefore, Craycroft teaches a default value and a customized value.

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner’s answer are provided herein.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peng Ke

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